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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,960	02/17/2004	Michael E. LaSalle	STG-001	9118

7590

06/20/2005

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EXAMINER
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HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/779,960

Applicant(s)

LASALLE, MICHAEL E.

Examiner

Christopher R. Harmon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/7/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-16 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 27 recite the limitation "said structure" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Regarding claims 15 and 28, the limitation regarding the central support bar is confusing and indefinite (lines 3-5). It is uncertain how one clamp member has an integral central support bar, which is laterally disposed between itself and the other clamp member; (i.e. as it is integral with a clamp member it cannot be located between itself and the other clamp member).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-4, 10, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yourgalite et al. (US 5,005,335).

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Yourgalite et al. disclose a method of handling material comprising automatically arranging bags 25 into groups by a conveyor belt system; lifting and transporting groups into a cross stacked configuration; see figure 1, column 1, lines 45-50. Bags of material 25 are inherently packaged at an upstream point in the process; see column 3, lines 7-15. Lifting means includes a moveable stacker head 10 with fingers 38 and central bar (between fingers, not labeled; see figure 1) movably connected to slotted rails 42 and 44.

Claim 17 is written in "means plus function" form and since it meets the analysis set forth in MPEP 2181, the Examiner assumes that applicant wishes to invoke 35 USC 112, paragraph 6.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-9, 18-23 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yourgalite et al. (US 5,005,335) in view of Applicants Admitted Prior Art (AAPA).

Yourgalite et al. (see above) do not directly disclose thermal insulation, polymer bags about 38/21/8.5 inches, glass fiber, however applicant admits these items to be well known in the prior art; see page 7, paragraph 2. It would have been obvious to one

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of ordinary skill in the art to use these dimensioned products in the method taught by Yourgalite et al. for transport/shipping.

Regarding claim 7, the method of packaging cellulose material into elongated bags is well known in the art and the Examiner takes official notice that it is common knowledge in the packaging art. In the above case, the modification of the Yourgalite operation would have been obvious to one skilled in the art for the known benefits of the modification. For example, the method of packaging and stacking seems to be equally capable of being performed with any loose fill material including cellulose material and one of ordinary skill in the art would know to package cellulose material by the method of Yourgalite because Applicant has not disclosed that doing so provides an advantage, is used for a particular purpose, or solves a stated problem.

7. Claims 12-14 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yourgalite et al. (US 5,005,335) in view of Milholen et al. (US 3,992,049).

Yourgalite et al. does not directly disclose the automatic lifting device comprising at least one support structure disposed between bags however Milholen et al. disclose a lifting device 10 with support structures 106, 108, 110, and 112 which are disposed between layered products for support in lifting/transport; see figure 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Milholen et al. in the invention to Yourgalite et al. for keeping separate the bags during their transport.

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Furthermore, the examiner takes OFFICIAL NOTICE that it would have been obvious to one of ordinary skill in the art to include chain, rope, or wire in the support structure for operably separating the products.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yougarlite et al. as applied to claims 3-4, 10, and 15-16 above, and further in view of Kintgen et al. (US 4,271,755).

The cross stacking pattern is not specifically disclosed in Yougarlite et al. however Kintgen et al. describe a similar method including cross stacking three bags; two adjacent to each other; see figure 4 and column 3, lines 50-56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the cross stacking pattern as taught by Kintgen et al. in the invention to Yougarlite et al. to securely transport the stacked bags.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yougarlite et al. in view of AAPA as applied to claims 5-9, 17-23 and 28-29 above, and further in view of Kintgen et al. (US 4,271,755).

The cross stacking pattern is not specifically disclosed in Yougarlite et al. however Kintgen et al. describe a similar method including cross stacking three bags; two adjacent to each other; see figure 4 and column 3, lines 50-56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include

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the cross stacking pattern as taught by Kintgen et al. in the invention to Yougarlite et al. to securely transport the stacked bags.

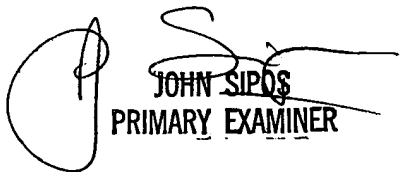
### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOHN SIPOS  
PRIMARY EXAMINER

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